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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,939	07/27/2001	Audrius J. Budrys	10008264-1	8789

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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HANNE, SARA M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/916,939

Applicant(s)

AUDRIUS J. BUDRYS, GIORDANO  
B. BERETTA

Examiner

Sara M Hanne

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

BA HUYNH  
PRIMARY EXAMINER

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-5, 7 and 9-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Seki et al., US Patent 6570597.

In reference to Claims 1 and 9, Seki et al. teaches a multi-component icon and method for generating, and displaying, the icon from a data object's content and metadata in which the icon comprises several visual traits (subdocument icons) with several visual variations (file types) where each trait is variably assigned to any characteristic of the data object (embedded data B and C) and where each variation is visually represented by the icon corresponding to the visual variation of the variably assigned visual trait (See Figures 1 and 11).

In reference to Claim 2, Seki et al. teaches that the data object may be a word processing document file (Figure 10).

In reference to Claim 3, Seki et al. teaches the visual traits to comprise a plurality of icon portions (Figure 5, ref. 12' and 14').

In reference to Claim 4, Seki et al. teaches the visual traits to comprise a main body portion (Figure 5, ref. 10).

In reference to Claim 5, Seki et al. teaches the visual traits to comprise side portions adjacent to the main body portion (Figure 5, ref. 12' and 14').

In reference to Claim 7, Seki et al. teaches the visual variations to have secondary visual variations (Figure 11, ref 72 is the main document, ref 74 is the visual variation, and ref 76 is the secondary visual variation).

In reference to Claim 10, Seki et al. teaches the icon is variably assigned dependent on user preference (Figure 17, "In the present embodiment, the user can choose whether each sub-icon should be displayed", Column 4, lines 14-15)

In reference to Claim 11, Seki et al. teaches the icon is variably assigned automatically (Figure 18, This routine is automatically carried out when a new document is read in or received", Column 6, lines 21-22).

In reference to Claim 12, Seki et al. teaches the icon generated with user initiated interface and variably assigning is selected through the interface (Figures 13-15 and Column 5, line 30 et seq.).

In reference to Claim 13, Seki et al. teaches the variably assigning to be in one session may have a visual trait assigned to a first characteristic and in a second session the visual trait may be assigned to a second characteristic (Figures <sup>8.</sup>~~19~~ and Column 5, line 30 et seq.).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al., US Patent 6570597 and in further view of Perroux et al., US Patent 6459441.

Seki et al. teaches multi-component icons composed from characteristics of the corresponding data objects represented by varying visual variations that represent the varying traits of the characteristics. Seki et al. also teaches icons to be interactive with other icons in that characteristics may be transferred between them.

In reference to Claim 6, while Seki et al. teaches creating of multi-component icons with visual variations, they fail to teach the visual variations to be a variation of color as recited in the claims. In the same field of the invention, Perroux et al. teaches a multi-component icon creation method similar to that of Seki et al. In addition, Perroux et al. further teaches color to be a visual variation corresponding to a characteristic (Column 2, line 46). It would have been obvious to one of ordinary skill in the art, having the teachings of Seki et al. and Perroux et al. before him at the time the invention was made, to modify the visual variations taught by Seki et al. to include the color variations of Perroux et al., in order to obtain a color changing effect corresponding to data characteristics. One would have been motivated to make such a

combination because a more visually stimulating and distinct effect to label differing icons would have been obtained, as taught by Perroux et al (Column 5, lines 62-65).

In reference to Claim 8, while Seki et al. teaches icons to be interactive with one another, they fail to teach visually indicating similarities and differences in characteristics of the data objects as recited in the claims. In the same field of the invention, Perroux et al. teaches a multi-component icon creation method similar to that of Seki et al. In addition, Perroux et al. further teaches visually indicating similarities and differences between icons' characteristics ("indicate functions that are similar, while simultaneously highlighting differences", Column 2, line 11-12). It would have been obvious to one of ordinary skill in the art, having the teachings of Seki et al. and Perroux et al. before him at the time the invention was made, to modify the multi-component icons taught by Seki et al. to include the visual similarity and difference indications of Perroux et al., in order to obtain a visual indication between data object icons. One would have been motivated to make such a combination because a method for identifying similarities and differences between icons using their multi-component capabilities would have been obtained, as taught by Perroux et al.

In reference to Claim 14, while Seki et al. teaches a method for creating a multi-component icon according to a data object's content and metadata characteristics wherein the characteristic has multiple visual variations that make up the multi-component icon, they fail to teach determining characteristics common to a set of data objects to be used to compose the multi-icon as recited in the claims. In the same field of the invention, Perroux et al. teaches an icon creation method similar to that of Seki et

al. In addition, Perroux et al. further teaches determining characteristics common to a set of data objects, determining variations associated with this characteristic and creating a visual trait for the variations of the characteristic ("multiple-characteristic GUI objects can be used to express both an operational domain (i.e., a functional category) associated with an icon, and a particular functions within the icon's operational domain", Column 4, lines 9-13 and Figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Seki et al. and Perroux et al. before him at the time the invention was made, to modify the multi-component icon creation and display method for data object content and its metadata taught by Seki et al. to include the determination of common characteristics between data objects of Perroux et al. to be used as the visual trait, in order to obtain common characteristics between data objects to be displayed in their corresponding icons. One would have been motivated to make such a combination because a way of viewing common characteristics of data without opening them would have been obtained, as taught by Perroux et al.

In reference to Claim 15, Seki et al. teaches the icon is variably assigned dependent on user preference (See Claim 10 rejection, *supra*)

In reference to Claim 16, Seki et al. teaches the icon is variably assigned automatically (See Claim 11 rejection, *supra*).

In reference to Claim 17, Seki et al. teaches the icon generated with user initiated interface and variably assigning is selected through the interface (See Claim 12 rejection, *supra*).

In reference to Claim 18, Seki et al. teaches the variable assigning to be in one session may have a visual trait assigned to a first characteristic and in a second session the visual trait may be assigned to a second characteristic (See Claim 13 rejection, *supra*).

In reference to Claim 19, Seki et al. teaches the variable assigning to be dependent on the type of characteristic (Figure 11B and 11C).



**Conclusion**

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar icon creations methods with alternative visual variations and character/trait assignments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

smh

BA HUYNH  
PRIMARY EXAMINER